

REMARKS

Claims 1, 2, 4-6, 8-10, and 25-31 remain as previously pending. By way of background, in the Final Office Action dated July 27, 2007, Claims 1, 2, 4-6, 8-10, and 25-31 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting over copending Application No. 10/731,519 ("the '519 application").

In response, Applicant filed a Terminal Disclaimer on November 27, 2007. At the time of filing the Terminal Disclaimer, Applicant's counsel of record was unaware that an ownership interest in the '519 application had been assigned to Western Union. Applicant has obtained a copy of the Assignment which is attached hereto as Exhibit A.

The '519 application has a different ownership interest than the current application and thus, Applicant hereby retracts the Terminal Disclaimer filed on November 27, 2007.

With respect to the double patenting rejection, Applicant desires to traverse the rejection as improper. Applicant believes that the claims in the current application and the '519 application are directed to distinct inventions for the following reasons.

Claims 1, 2, 4-6, 8-10, and 25-31 of the current application are directed to risk scoring apparatus and methods. As set forth in the claims, the risk score based is at least in part on biometric information.

The pending claims of the '519 application, in contrast, are directed to a point-of-sale device that obtains biometric information.

While both claims sets refer to biometric information, the two claim sets are patentably distinct. In particular, the risk scoring apparatus and method of the current application do not have limitations regarding how the biometric information is collected, whether by a point-of-sale device or not. In addition, the claims of the '519 application, which are directed to a point-of-sale device, do not recite how, or what type of, risk assessment is performed.

Given that the claims of the two applications are directed to different inventions, Applicant assert that the double patenting rejection was improper and thus, respectfully request that the double patenting rejection be withdrawn.

Application No.: 10/731,401
Filing Date: December 9, 2003

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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